and Health Administration, 200 Constitution Avenue, N.W., Room N3649, Washington, D.C. 20210; (202) 219–8615.

SUPPLEMENTARY INFORMATION:

Background

On November 15, 1994, OSHA published a notice of proposed rulemaking on its respiratory protection standard (59 FR 58884 *et seq.*). The proposal is intended to update the current respirator standard to reflect changes in methodology, technology and approach related to respirator protection that have occurred since the existing respiratory protection standard was adopted in 1971.

The hearing on this proposal is scheduled to begin on June 6, 1995, (60 FR 4132 *et seq.*), and will last until at least until June 20, 1995. OSHA is in the process of contacting parties who have submitted notices of intention to appear at the hearing, to confirm the scheduling of their oral testimony.

Scheduling of Science-Policy Panel

OSHA has scheduled, on June 15, 1995, a panel discussion concerning technical, scientific, and policy issues surrounding the assignment of protection factors (APFs). The panel will be comprised of representatives of 6 parties invited by OSHA to participate in the discussion, as well as an OSHA representative. The panel discussion will be chaired by an additional OSHA official. Each invited party is already a participant in the rulemaking by virtue of having submitted a timely notice of intention to appear to testify and is already scheduled to provide testimony on APFs. Each invited party may choose its representative, who need not necessarily be an individual named in the notices of intention to appear at the hearings which the parties previously submitted. OSHA expects that the representatives will possess technical expertise and a willingness to exchange views in a constructive manner. The general agenda for the panel discussion consists of the issues stated below, and a more detailed agenda will be distributed during the hearing no later than June 9, 1995. Questions and brief comments to the panel from hearing participants and, to the extent time permits, from the audience, will be permitted until the Administrative Law Judge adjourns the hearing for the day on June 15, 1995.

The purpose of the panel discussion is to provide a variety of perspectives on the uncertainties surrounding the choice of APFs, so that OSHA can rely upon informed judgement if the Agency decides to set an APF for each respirator class as part of this rulemaking. Conflicting information regarding APFs is emerging in this rulemaking and warrants focused discussion. OSHA believes that additional information and viewpoints on APFs would be useful in resolving various open questions and in arriving at sensible conclusions.

OSHA contemplates that discussion topics will include: the validity of results obtained from available protection factor studies; the range of statistical uncertainty and person-to-person variability surrounding the results of these studies; correlations between study results; identification/specification of procedures and protocols that should be used in determining APFs; and science-policy issues on the role of protection factors in a required selection logic.

In choosing panel participants OSHA will attempt to include, if possible, those participants who have expressed an interest in APFs, and a willingness to exchange views on the record. It should be emphasized that the panel is a device to gather testimony; by opening the discussion to a broad range of parties and interests at once, OSHA believes that information will be tested, that views will be shared, and that the areas of uncertainty intrinsic to these issues will be crystallized. For these reasons, OSHA finds that, pursuant to 29 CFR 1911.4, ''good cause'' exists for scheduling this panel discussion.

The panel's discussions will be facilitated by an OSHA official who will guide the discussion to ensure that the Agency's information needs are met. Since the discussion is ''on the record'', and is part of the hearing procedure, the Administrative Law Judge will be the overall presiding official, consistent with 29 CFR part 1911.

Although as noted above, OSHA is organizing and selecting the makeup of the panel, all hearing participants will have the opportunity, subject to the direction and reasonable discretion of the Administrative Law Judge, to participate at appropriate intervals by making their own comments and by asking clarifying questions of participants. During the panel discussion, participants will discuss the agenda issues and not repeat their testimony provided elsewhere in the hearing. To avoid unproductive, irrelevant or repetitive questioning by panel members, hearing participants, or the public, the Administrative Law Judge will exercise discretion in disallowing such questioning.

The rest of the hearing procedures are set out in 29 CFR 1911.15–18, in the **Federal Register** notices of November 15, 1994 (59 FR 58884 *et seq.*) and also repeated in the notice of January 20, 1995 (60 FR 4132 *et seq.*) or in the Administrative Law Judge's prehearing guidelines which will be sent to all persons who have filed notices of intention to appear.

Authority and Signature

This document was prepared under the direction of Joseph A. Dear, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C., 20210. It is issued pursuant to section 6(b) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 29 U.S.C. 655).

Signed at Washington, D.C. this 19th day of May, 1995.

Joseph A. Dear,

Assistant Secretary of Labor.

[FR Doc. 95–12876 Filed 5–24–95; 8:45 am]

BILLING CODE 4510–25–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 925

Missouri Abandoned Mine Lands Reclamation (AMLR) Plan

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; reopening and extension of public comment period on proposed amendment.

SUMMARY: OSM is announcing receipt of revisions pertaining to a previously proposed amendment to the Missouri AMLR plan (hereinafter referred to as the ''Missouri plan'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The revisions for Missouri's proposed statutes, regulation, and State reclamation plan provisions of the Missouri Abandoned Mine Lands program pertain to powers of the Land Reclamation Commission, expenditures of the abandoned mine reclamation fund, eligible coal lands and water, and a future set-aside program. The amendment is intended to revise the Missouri AMLR plan to be consistent with the corresponding Federal standards, to clarify ambiguities, and to improve operational efficiency.

DATES: Written comments must be received by 4:00 p.m., c.d.t., June 9, 1995.

ADDRESSES: Written comments should be mailed or hand delivered to Michael C. Wolfrom at the address listed below.

Copies of the Missouri plan, the proposed amendment, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Kansas City Field Office.

Michael C. Wolfrom, Acting Director, Kansas City Field Office, Office of Surface Mining Reclamation and Enforcement, 934 Wyandotte, Room 500, Kansas City, Missouri 64105.

Missouri Department of Natural Resources, Land Reclamation Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, Missouri 65102, Telephone: (314) 751–4041.

FOR FURTHER INFORMATION CONTACT: Michael C. Wolfrom, telephone: (816) 374–6405.

SUPPLEMENTARY INFORMATION:

I. Background on Title IV of SMCRA

Title IV of SMCRA established an abandoned mine land (AML) program for the purposes of reclaiming and restoring lands and waters adversely affected by past mining. The program is funded by a reclamation fee levied on the production of coal. Lands and waters eligible for reclamation under Title IV are those that are mined or affected by mining and abandoned or inadequately reclaimed prior to August 3, 1977, and for which there is no continuing reclamation responsibility under State or Federal laws. The Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101–508, Title VI, Subtitle A, Nov. 5, 1990, effective Oct. 1, 1991) amended SMCRA, to provide changes in the eligibility of project sites for AML expenditures. The Secretary adopted AML regulations (59 FR 28136, May 31, 1994) at 30 CFR Chapter VII, Subchapter R, Parts 795, 870, 872, 873, 874, 875, 876, and 886 to implement this act. Title IV of SMCRA now provides for reclamation of certain mine sites where the mining occurred after August 3, 1977. These include interim program sites where bond forfeiture proceeds were insufficient for adequate reclamation and sites affected any time between August 4, 1977, and November 5, 1990, for which there were insufficient funds for adequate reclamation due to the insolvency of the bond surety.

Title IV provides for State submittal to OSM of an AMLR plan. The Secretary of the Interior adopted regulations at 30 CFR 870 through 888 that implement Title IV of SMCRA. Under these regulations, the Secretary reviewed the plans submitted by States and solicited and considered comments of State and Federal agencies and the public. Based upon the comments received, the Secretary determined whether a State had the ability and necessary legislation to implement the provisions of Title IV. After making such determination, the Secretary decided whether to approve the State AMLR program. Approval granted the State exclusive authority to administer its plan.

Upon approval of a State's plan by the Secretary, the State may submit to OSM, on an annual basis, an application for funds to be expended by that State on specific projects that are necessary to implement the approved plan. Such annual requests are reviewed and approved by OSM in accordance with the requirements of 30 CFR Part 886.

II. Background on the Missouri Plan

On January 29, 1982, the Secretary of the Interior approved the Missouri plan. General background information on the Missouri plan, including the Secretary's findings, the disposition of comments, and the approval of the Missouri plan can be found in the January 29, 1982, **Federal Register** (47 FR 4253). Subsequent actions concerning the Missouri plan and plan amendments can be found at 30 CFR 925.20 and 925.25.

III. Proposed Amendment

By letter dated November 29, 1994, Missouri submitted a proposed amendment to its AMLR plan pursuant to SMCRA (administrative record No. AML–MO–89). Missouri submitted the proposed amendment in response to a September 26, 1994, letter (administrative record No. AML–MO–88) that OSM sent to Missouri in accordance with 30 CFR 884.15(b) concerning revisions to the AML regulations at 30 CFR Chapter VII, Subchapter R (59 FR 28136, May 31, 1994).

Missouri proposed to amend its statutes at (1) Revised Statutes of Missouri (RSMo) Section 444.810.2, pertaining to powers of the Land Reclamation Commission (Commission) to require that any rules promulgated under the authority of the Commission shall not become effective until they are approved by the joint committee on administrative rules and to provide the procedures necessary for this review and approval process, (2) RSMo Section 444.915.2, pertaining to priorities for expenditures of monies deposited to the abandoned mine reclamation fund, and (3) RSMo 444.915.3, pertaining to reclamation of interim program and insolvent surety coal sites. Missouri also proposed to amend its rules at 10 Code of State Regulations (CSR) 40–9.020 (1)(D) and (E) for general requirements related to the reclamation of coal lands and water abandoned after August 3, 1977, and at 10 CSR 40–9.020(3), concerning the definition of the term ''left or abandoned in either an unreclaimed or inadequately reclaimed condition.''

In addition, Missouri proposed to amend its AML State Reclamation Plan at (1) Section 884.13(c)(2), concerning project ranking and selection procedures to require the submittal of the Abandoned Mine Land Problem Area Description Form (OSM 76), to provide that interim program and insolvent surety coal sites mined after August 3, 1977, may be eligible for AML funding, and to exclude certain types of sites from AML funding, (2) Section 884.13(d)(3), concerning purchasing and procurement procedures that restrict the eligibility of bidders and their subcontractors on AML contracts, and (3) Section 884.13(d)(4), concerning accounting procedures and the use of AML State-share funds annually for a future reclamation set-aside program in Missouri.

OSM announced receipt of the proposed amendment in the December 13, 1994, **Federal Register** (59 FR 64176), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy (administrative record No. AML–MO–91). The public comment period ended on January 12, 1995. At the request of the Missouri Department of Natural Resources, OSM held a public meeting in Jefferson, Missouri on March 1, 1995. OSM entered a summary of the public meeting into the administrative record (administrative record No. AML–MO–96).

During its review of the proposed amendment, OSM identified concerns relating to the provisions of (1) RSMo 444.915.3(3), concerning the reclamation of sites where mining occurred between certain dates and the surety company became insolvent, (2) 10 CSR 40–9.020(1)(D) and (E), concerning eligible coal lands and waters, and (3) Section 884.13(d)(4), concerning the creation of a future reclamation set-aside program. OSM notified Missouri of the concerns in a letter dated February 16, 1995 (administrative record No. AML–MO–93).

Missouri responded in a letter dated May 16, 1995, by submitting a revised amendment and additional explanatory information (administrative record No.

AML–MO–100). Missouri proposes revisions to and additional explanatory information for (1) RSMo 444.915.3(3), pertaining to the reclamation of insolvent surety coal sites, (2) 10 CSR 40–9.020(1)(D) and (E), pertaining to priorities of eligible coal lands and waters for reclamation and reimbursement for the cost of reclamation, and (3) Section 884.13(D)(4) of the AML State Reclamation Plan, pertaining to the use of AML State-share funds to establish a future set-aside program in Missouri.

IV. Public Comment Procedures

OSM is reopening the comment period on the proposed Missouri plan amendment to provide the public an opportunity to reconsider the adequacy of the proposed amendment in light of the additional materials submitted. In accordance with the provisions of 30 CFR 884.14 AND 884.15(a), OSM is seeking comments on whether the proposed amendment satisfies the applicable plan approval criteria of 30 CFR 884.14. If the amendment is deemed adequate, it will become part of the Missouri plan.

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under ''DATES'' or at locations other than the Kansas City Field Office will not necessarily be considered in the final rulemaking or included in the administrative record.

V. Procedural Determinations

1. Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

2. Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State AMLR plans and revisions thereof since each such plan is drafted and promulgated by a specific State, not by OSM. Decisions on proposed State AMLR plans and revisions thereof submitted by a State are based on a determination of whether the submittal meets the requirements of Title IV of SMCRA (30 U.S.C. 1231–1243) and the applicable Federal regulations at 30 CFR Parts 884 and 888.

3. National Environmental Policy Act

No environmental impact statement is required for this rule since agency decisions on proposed State AMLR plans and revisions thereof are categorically excluded from compliance with the National Environmental Policy Act (42 U.S.C. 4332) by the Manual of the Department of the Interior (516 DM 6, appendix 8, paragraph 8.4B(29)).

4. Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.).*

5. Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements established by SMCRA or previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have as significant economic impact, the Department relied upon the data and assumptions in the analyses for the corresponding Federal regulations.

List of Subjects in 30 CFR Part 925

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 19, 1995.

Nancy L. Shaw,

Acting Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 95–12881 Filed 5–24–95; 8:45 am]

BILLING CODE 4310–05M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1803, 1815, and 1852

Addition of Coverage to NASA FAR Supplement on NASA Ombudsman Program

AGENCY: Office of Procurement, National Aeronautics and Space Administration (NASA).

ACTION: Notice of proposed rulemaking.

SUMMARY: To improve communications with interested parties, NASA plans to establish an Ombudsman Program. This rule sets forth a clause for identification of the NASA and installation ombudsmen to be included in solicitations and contracts. The clause is also to serve as the basis for a statement to be included in ''Commerce Business Daily'' announcements. In addition, the rule amends NASA's coverage on procurement integrity to include the NASA and installation ombudsmen as individuals authorized access to proprietary and source selection information.

DATES: Comments must be received on or before July 24, 1995.

ADDRESSES: Submit comments to Mr. Joseph Le Cren, Analysis Division (Code HC), Office of Procurement, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Le Cren, (202) 358–0444.

SUPPLEMENTARY INFORMATION:

Background

In order to improve communications with interested parties (offerors, potential offerors, contractors), and to facilitate the resolution of concerns in an informal manner, NASA plans to establish an Ombudsman Program. In addition, section 1004(a) of the Federal Acquisition Streamlining Act of 1994, Public Law 103–355, enacted October 13, 1994, requires NASA, under 10 U.S.C. 2304c(e), to appoint a task and delivery order ombudsman where multiple task or delivery order contracts are made. In order to accomplish these things, a NASA Management Instruction has been developed to establish the NASA Ombudsman Program. It is also necessary to amend the NASA FAR Supplement to include a clause to notify offerors, potential offerors, contractors, and industry representatives of the purpose of the NASA Ombudsman Program and to provide the names and telephone numbers of the agency and applicable installation ombudsmen. The rule also proposes to amend the current NASA FAR Supplement coverage on procurement integrity to include the NASA and installation ombudsmen as individuals authorized access to proprietary and source selection information, as needed, to carry out their duties.

Impact

NASA certifies that this regulation will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) This rule does not impose any reporting or